



PATENT

ATTORNEY DOCKET NO.: 067949-5010-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Barton D. Gaskins

Serial No.: 10/732,799

Filed: December 11, 2003

For: APPARATUS FOR DEMINERALIZING  
OSTEOINDUCTIVE BONE

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Confirmation No.: 5878

Group Art Unit.: 1743

Examiner: Dwayne K. Handy

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

1. Transmitted herewith is an Amendment responding to the Office Action dated August 8, 2007.
2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 460.00	\$ 230.00
<input type="checkbox"/> three months	\$ 1,050.00	\$ 525.00

Extension of time fee due with this request: \$ 0.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	37	minus	20	17	x \$50 each=	+ \$ 850.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	2	0	x \$210 each=	+ \$
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$370.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 850.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge \$850.00 for the additional claims fee due to Deposit Account 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

Morgan, Lewis & Bockius LLP

Stephanie A. Wardwell

Stephanie A. Wardwell, Reg. No. 48,025

W. Jackson Matney, Jr., Reg. No. 39,292

Date: November 8, 2007

**Customer No.: 009629**

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**AMENDMENT AND RESPONSE**

This filing is a response to the Office Action mailed August 8, 2007. Please consider the following amendments to the claims and remarks.

**Amendments to the Specification** are presented on page 2 of this paper.

**Amendments to the Claims** are presented on page 4 of this paper.

**Remarks** begin on page 10 of this paper.

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